

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHRYN FJELD,

Plaintiff,

- against -

INTERNATIONAL BUSINESS MACHINES, INC.,
d/b/a IBM, ISOGON CORPORATION,
TETRAGON, L.L.C., STEVEN BARRITZ,
ROBERT BARRITZ,

Defendants.

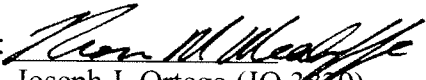
07 Civ. 10355 (CM/HBP)

**NOTICE OF AMENDED
MOTION TO DISMISS OR,
IN THE ALTERNATIVE,
FOR A MORE DEFINITE
STATEMENT**

PLEASE TAKE NOTICE, that upon the annexed Declaration of Thomas M. Mealiffe, dated November 29, 2007, the accompanying Memorandum of Law, and the exhibits annexed thereto, and upon all prior pleadings and proceedings herein, the undersigned will move this court, before the Honorable Colleen McMahon, at the courthouse located at 500 Pearl Street, New York, New York 10007 at a time to be determined by the Court for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(e) and New York Civil Procedure Law and Rules §§ 205 and 215, granting the motion of Defendants Robert Barritz and Steven Barritz (1) dismissing plaintiff's Second Cause of Action with prejudice; (2) dismissing plaintiff's First and Third Causes of Action without leave to amend, or (3) in the alternative, directing plaintiff to provide a more definite statement with regard to the First and Third Causes of Action.

Dated: Jericho, New York
November 29, 2007

NIXON PEABODY LLP

By: 
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